

ORIGINAL
CA/D&F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MUSICAL PRODUCTIONS, INC., a
corporation; BMG MUSIC, a general
partnership; CAPITOL RECORDS, INC., a
corporation; SONY BMG MUSIC
ENTERTAINMENT, a general partnership;
SONY DISCOS LLC, a limited liability
company; UMG RECORDINGS, INC., a
corporation; WARNER MUSIC LATINA INC.,
a corporation; WEA INTERNATIONAL INC.,
a corporation,

Plaintiffs,

-against-

ROMA'S RECORD CORPORATION, a
corporation, d/b/a ROMA'S RECORDS a/k/a
ROMA'S MUSIC; and MAX ROMERO, an
individual, a/k/a MAXIMINO ROMERO,

Defendants.

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Appearance:

For the Plaintiffs:

PATRICK ALAN TRAIN-GUTIERREZ,
ESQ.

Kaplan Landau LLP
26 Broadway
New York, NY 10004

BLOCK, Senior District Judge:

On August 19, 2009, Magistrate Judge Pohorelsky issued a Report and Recommendation ("R&R") recommending that the Court (1) enter a default judgment against defendant in the amount of \$280,000.00 in statutory damages, \$7,902.56 in

attorney's fees, and \$1,135.34 in costs; (2) permanently enjoin defendants from infringing any of plaintiffs' respective copyrights; and (3) enter an order requiring the delivery of all unauthorized sound recordings in the defendants' possession to the plaintiffs. *See* R&R at 18. The R&R also stated that failure to object within ten days would preclude appellate review. *See id.* Attorney for plaintiffs mailed a copy of the R&R to defendant on August 27, 2009; no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000); no such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

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FREDERIC BLOCK
Senior United States District Judge

Brooklyn, NY
September 21, 2009